

REMARKS

The Official Action mailed September 7, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on October 14, 1999; April 9, 2001; December 12, 2001; March 21, 2002; September 20, 2002; September 30, 2003; April 30, 2004; November 29, 2004; and June 22, 2005.

Claims 15-24, 28, 30-41, 46-115 and 123-178 are pending in the present application, of which claims 15, 17, 20, 22, 28 and 30-35 are independent. The Applicants note with appreciation the allowance of claims 15-24, 28, 30, 31, 34-37, 40, 41, 46-59, 74-115, 123-143 and 158-176, and the indication of the allowability of dependent claims 38, 39, 61, 64-66, 68, 71-73 and 144-157 (page 3, Paper No. 20050831). The Applicants note that dependent claims 177 and 178 have not been formally rejected in the Official Action or included in the listing of pending claims on the Office Action Summary. Claims 177 and 178 are pending and depend from allowed independent claims; therefore, it is respectfully submitted that claims 177 and 178 are also allowed. Independent claims 32 and 33 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action provisionally rejects claims 32, 33, 60, 62, 63, 67, 69 and 70 under the doctrine of obviousness-type double patenting over claims 39 and 45 of co-pending Application Serial No. 09/352,194. The Applicants respectfully submit that amended independent claims 32 and 33 of the subject application are patentably distinct from the claims of the '194 application.

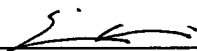
As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicants respectfully traverse the obviousness-type double patenting rejection. It is noted that allowed independent claims 15, 17, 20 and 28 of the subject application disclose three heat treatment steps, i.e. a heat treatment for crystallization, a heat treatment for irradiating a laser light, and a heat treatment in a reducing atmosphere. Also, allowed independent claims 30, 31, 34 and 35 disclose the following three steps, i.e. a crystallizing step, an irradiating step, and a heating step in an atmosphere which reduces an oxide. The claims of the '194 application do not disclose these features of independent claims 15, 17, 20, 28, 30, 31, 34 and 35. The claims of the '194 application disclose two heat treatment steps, i.e. an irradiating step for crystallization and a leveling step by heating in a reducing atmosphere (or in an inert gas, etc.).

Independent claims 32 and 33 have been amended to recite three steps. Specifically, amended independent claims 32 and 33 recite crystallizing a semiconductor film; irradiating a laser light to the crystallized semiconductor film; and heating the crystallized semiconductor film in a reducing atmosphere after said etching step to form a flattened surface of the crystallized semiconductor film. It is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the '194 application. Reconsideration of the obviousness-type double patenting rejections are requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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